



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 24, 2021

BY ECF

The Honorable John P. Cronan
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Shin*, 19 Cr. 552 (JPC)

Dear Judge Cronan:

In brief response to the defendant's letter, the Government respectfully submits the following.

As detailed at the conference yesterday, the materials produced by the Government over the last month consist almost entirely of materials that were previously known or available to the defendant, including litigation materials in which he is a named party, and publicly available copies of Small Business Administration standard operating procedures ("SOP"). Beginning with the litigation materials in which Shin is a named party, and the SOPs, these materials were produced by the Government in an abundance of caution, in the absence of any discovery obligations, and simply as a courtesy in advance of the exchange of printed exhibits. Further, the defense has been aware of the SOP provisions at issue in this case since the filing of the Government's first Indictment, which describes the relevant portions of the SOP. (S1 Indictment ¶¶ 3-4, Dec. 2019, Dkt. No. 26). The defendant has had more than ample time to prepare any legal or factual arguments he may have had based on the litigation documents and the SOPs. The Government's act of downloading and producing copies of those documents to the defendant did not create any basis to adjourn the trial date.

As to the emails and bank records that were produced recently, the Government notes the following. First, as referenced yesterday, the emails from Relative-1 were produced to the defense shortly after the Government received them. The first set of 56 emails was produced on November 15, 2021. Another 13 emails were produced on November 22, 2021. Notably, the defendant sent or received each of these 69 emails. Accordingly, the defendant himself is best positioned to know these materials and, even prior to their production by Relative-1 and the Government, knew or should have known of their contents and any potential defense based on them. The burden or prejudice of reviewing 69 emails, all containing the defendant, simply does not warrant an adjournment of greater than a week. Further, as explained yesterday, the total volume of pages repeatedly cited by the defense greatly overestimates the burden of reviewing these materials. The page length is driven almost entirely by repetitive Excel attachments that, when converted to printable form, are lengthy. Those Excel spreadsheets are also largely duplicative as they contain the same data month-over-month with the addition of a new tab each month.

cc: Counsel of Record (by ECF)